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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BROWNING, a Utah corporation,

Plaintiff,

vs.

STURM RUGER & CO., INC.,
a New Hampshire corporation,

Defendant.

**SCHEDULING ORDER AND ORDER
VACATING HEARING**

Case No. 1:13-cv-00013-CW-EJF

Judge Clark Waddoups
Magistrate Judge Evelyn J. Furse

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the stipulated Attorneys' Planning Report filed by counsel. The following matters are scheduled. All deadlines set forth herein shall be at 11:59 p.m. (MST) on the date indicated unless expressly stated to the contrary. Following the entry of this Order, the parties may not modify the times and deadlines set forth herein without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

This Court ORDERS the Initial Pretrial Hearing set for 1/8/2014 at 11:00 AM in Room 477 before Magistrate Judge Evelyn J. Furse, VACATED.

| I. | PRELIMINARY MATTERS | DATE |
|------------|---|--------------------|
| a. | Was Rule 26(f)(1) Conference held? | 12/18/2013 |
| b. | Have the parties submitted the Attorney Planning Meeting Form? | Yes, on 12/18/2013 |
| c. | Deadline for 26(a)(1) initial disclosure? ² | 01/10/14 |
| d. | Plaintiff to serve Initial Infringement Contentions by: | 02/17/14 |
| e. | Defendant to serve Initial Non-Infringement and Invalidity Contentions by: | 03/03/14 |
| f. | Last day to file Motion to Amend Pleadings or Add Parties: | 02/21/14 |
| g. | Final Infringement Contentions to be served by: | 07/14/14 |
| h. | Final Non-Infringement and Invalidity Contentions to be served by: | 08/11/14 |
| i. | Deadline to file a Motion to Stay Pending Reexamination of the Patents-in-Suit: | 07/14/14 |
| II. | DISCOVERY LIMITATIONS | NUMBER |

¹ The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5).

² Defendant filed and served its Answer, Affirmative Defense and Counterclaim on November 27, 2013 (Dkt. No. 16). The parties agree to the above Scheduling Order deadline rather than the Initial Disclosures deadline as specified by LPR 2.1.

| | | |
|----|---|--|
| a. | Maximum Number of Depositions ³ by any Party of any Party: | 10 |
| b. | Maximum Number of Hours for Each Deposition (unless extended by agreement of parties): | 7 |
| c. | Maximum Interrogatories ⁴ by any Party to any Party: | 30 |
| d. | Maximum Requests for Admissions ⁵ by any Party to any Party: | 75 |
| e. | Maximum requests for production by any Party to any Party: | 100 |
| f. | The Parties shall handle discovery of electronically stored information as follows: | Documents maintained in electronic form in a party's ordinary course of business shall be produced in electronic form as single-page TIFF (tagged image format file) documents with load files (in a form agreed to by the parties) that are searchable by optical character recognition (OCR) technology. |
| g. | The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: | As provided by Fed. R. Civ. P. 26(b)(5)(B), Fed. R. Evid. 502(d), the Standard Protective Order set forth in DUCivR 26-2 (subject to any modifications submitted by the parties and approved by the Court). |

³ Excluding depositions of experts and including a single Rule 30(b)(6) deposition (7 hours on the record for all topics). Notwithstanding the foregoing limitations on depositions, any party may request leave to take additional depositions for good cause shown.

⁴ An interrogatory or multiple interrogatories seeking the basis of a party's affirmative defenses, infringement contentions, or invalidity contentions count as one interrogatory regardless of the number of affirmative defenses alleged or the number of infringed or invalid claims alleged.

⁵ Excluding Requests for Admission concerning the authenticity of particular documents.

| | | |
|-------------|---|--|
| h. | Last day to serve written discovery: | 12/12/14 |
| i. | Close of fact discovery: | 01/12/15 |
| j. | Disclosure of intent to rely on opinions of counsel and materials in support: | 7 days following the Court's ruling on claim construction. |
| III. | CLAIM CONSTRUCTION PROCESS | DATE |
| a. | Parties exchange proposed claim terms and claim constructions for construction: | 09/19/14 |
| b. | Parties reach agreement to submit no more than 10 terms for construction: | 09/26/14 |
| c. | Party opposing infringement claims files Motion for Claim Construction: | 10/17/14 |
| d. | Parties file Joint Appendix: | 10/17/14 |
| e. | Party asserting infringement claim files Responsive Claim Construction Brief: | 11/17/14 |
| f. | Joint Claim Construction Chart and Joint Status Report due: | 11/24/14 |
| g. | Tutorial for Court: | 12/01/14 |
| h. | Parties exchange exhibits: | 12/01/14 |
| i. | Claim Construction Hearing | After 12/05/14, to be scheduled at the Court's discretion. |
| IV. | DISPOSITIVE MOTIONS | DATE |
| a. | Deadline to file dispositive motions: | Within 60 days after the close of expert discovery. |
| b. | Deadline to file Opposition to dispositive motions: | Within 30 days after the filing of the dispositive motion. |
| c. | Deadline to file Reply to dispositive motions: | Within 30 days after the filing of the Opposition. |

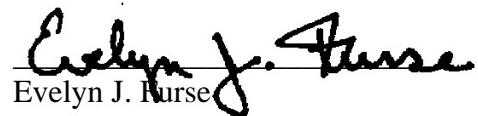
| V. | RULE 26(a)(2) REPORTS FROM EXPERTS | DATE |
|-------------|--|---|
| a. | Initial Expert Witness Disclosures (parties bearing burden of proof) by: | Within 21 days after the Court's claim construction ruling. |
| b. | Rebuttal Expert Witness Disclosures by: | Within 35 days after the date for initial expert reports. |
| VI. | OTHER DEADLINES | DATE |
| a. | Last day for Expert discovery: | Within 35 days after exchange of expert rebuttal reports. |
| b. | Deadline for filing partial or complete motions to exclude expert testimony: | To be determined by the Court following claim construction (to be scheduled at the Court's discretion). |
| VII. | SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION | DATE |
| a. | Referral to Court-Annexed Mediation: | Yes |
| b. | Referral to Court-Annexed Arbitration: | No |
| c. | The parties will complete Private Mediation/Arbitration by: | 3/31/2014 |
| d. | Evaluate case for Settlement/referral to Court-annexed ADR by: | At the Court's discretion. |
| e. | Settlement probability: | Good |

VIII. ADDITIONAL SCHEDULING DEADLINES

Within 14 days of the Court's ruling on claim construction or any dispositive motions filed at the time of claim construction, whichever is later, the parties shall, if necessary, file a proposed scheduling order with any additional deadlines including pretrial and trial related deadlines. If the parties cannot agree on a proposed scheduling order they may submit separate proposed scheduling orders.

Dated this 27th of December 2013.

BY THE COURT:


Evelyn J. Purse
U.S. Magistrate Judge